



REPORT OF THE PRESIDENT'S SPECIAL REVIEW BOARD

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satisfactory than the position of any of the individual departments, it has frequently become something to be manipulated to reach a specific outcome. The leak becomes a primary instrument in that process.

This practice is destructive of orderly governance. It can only be reversed if the most senior officials take the lead. If senior decision-makers set a clear example and demand compliance, subordinates are more likely to conform.

Most recent administrations have had carefully drawn procedures for the consideration of covert activities. The Reagan Administration established such procedures in January, 1985, then promptly ignored them in their consideration of the Iran initiative.

We recommend that each administration formulate precise procedures for restricted consideration of covert action and that, once formulated, those procedures be strictly adhered to.

5. *The Role of the CIA.* Some aspects of the Iran arms sales raised broader questions in the minds of members of the Board regarding the role of CIA. The first deals with intelligence.

The NSC staff was actively involved in the preparation of the May 20, 1985, update to the Special National Intelligence Estimate on Iran. It is a matter for concern if this involvement and the strong views of NSC staff members were allowed to influence the intelligence judgments contained in the update. It is also of concern that the update contained the hint that the United States should change its existing policy and encourage its allies to provide arms to Iran.* It is critical that the line between intelligence and advocacy of a particular policy be preserved if intelligence is to retain its integrity and perform its proper function. In this instance, the CIA came close enough to the line to warrant concern.

* **We emphasize to both the intelligence community and policymakers the importance of maintaining the integrity and objectivity of the intelligence process.**

6. *Legal Counsel.* From time to time issues with important legal ramifications will come

before the National Security Council. The Attorney General is currently a member of the Council by invitation and should be in a position to provide legal advice to the Council and the President. It is important that the Attorney General and his department be available to interagency deliberations.

The Justice Department, however, should not replace the role of counsel in the other departments. As the principal counsel on foreign affairs, the Legal Adviser to the Secretary of State should also be available to all the NSC participants.

Of all the NSC participants, it is the Assistant for National Security Affairs who seems to have had the least access to expert counsel familiar with his activities.

The Board recommends that the position of Legal Adviser to the NSC be enhanced in stature and in its role within the NSC staff.

7. *Secrecy and Congress.* There is a natural tension between the desire for secrecy and the need to consult Congress on covert operations. Presidents seem to become increasingly concerned about leaks of classified information as their administrations progress. They blame Congress disproportionately. Various cabinet officials from prior administrations indicated to the Board that they believe Congress bears no more blame than the Executive Branch.

However, the number of Members and staff involved in reviewing covert activities is large; it provides cause for concern and a convenient excuse for Presidents to avoid Congressional consultation.

We recommend that Congress consider replacing the existing Intelligence Committees of the respective Houses with a new joint committee with a restricted staff to oversee the intelligence community, patterned after the Joint Committee on Atomic Energy that existed until the mid-1970s.

8. *Privatizing National Security Policy.* Careful and limited use of people outside the U.S. Government may be very helpful in some unique cases. But this practice raises substantial questions. It can create conflict of interest problems. Private or foreign sources may have dif-